

Introduced by Senator LowenthalFebruary 15, 2005

An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 227, as introduced, Lowenthal. Mobilehome residency.

Existing law regulates terms and conditions of tenancies in mobilehome parks. Existing law permits a mobilehome tenancy to be terminated only for one or more of specified reasons, including conduct by a homeowner or resident that constitutes a substantial annoyance to other homeowners or residents.

This bill would permit a mobilehome tenancy to be terminated for the use or threatened use of force, willful threats, or menacing conduct by a homeowner or resident constituting a course of conduct, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 798.56 of the Civil Code is amended to
- 2 read:
- 3 798.56. A tenancy shall be terminated by the management
- 4 only for one or more of the following reasons:
- 5 (a) Failure of the homeowner or resident to comply with a
- 6 local ordinance or state law or regulation relating to
- 7 mobilehomes within a reasonable time after the homeowner
- 8 receives a notice of noncompliance from the appropriate
- 9 governmental agency.

1 (b) Conduct by the homeowner or resident, upon the park
2 premises, that constitutes a substantial annoyance to other
3 homeowners or residents.

4 (c) (1) Conviction of the homeowner or resident for
5 prostitution, for a violation of subdivision (d) of Section 243,
6 paragraph (2) of subdivision (a), or subdivision (b), of Section
7 245, Section 288, or Section 451, of the Penal Code, or a felony
8 controlled substance offense, if the act resulting in the conviction
9 was committed anywhere on the premises of the mobilehome
10 park, including, but not limited to, within the homeowner's
11 mobilehome.

12 (2) However the tenancy may not be terminated for the reason
13 specified in this subdivision if the person convicted of the
14 offense has permanently vacated, and does not subsequently
15 reoccupy, the mobilehome.

16 (d) Failure of the homeowner or resident to comply with a
17 reasonable rule or regulation of the park that is part of the rental
18 agreement or any amendment thereto.

19 No act or omission of the homeowner or resident shall
20 constitute a failure to comply with a reasonable rule or regulation
21 unless and until the management has given the homeowner
22 written notice of the alleged rule or regulation violation and the
23 homeowner or resident has failed to adhere to the rule or
24 regulation within seven days. However, if a homeowner has been
25 given a written notice of an alleged violation of the same rule or
26 regulation on three or more occasions within a 12-month period
27 after the homeowner or resident has violated that rule or
28 regulation, no written notice shall be required for a subsequent
29 violation of the same rule or regulation.

30 Nothing in this subdivision shall relieve the management from
31 its obligation to demonstrate that a rule or regulation has in fact
32 been violated.

33 (e) (1) Nonpayment of rent, utility charges, or reasonable
34 incidental service charges; provided that the amount due has been
35 unpaid for a period of at least five days from its due date, and
36 provided that the homeowner shall be given a three-day written
37 notice subsequent to that five-day period to pay the amount due
38 or to vacate the tenancy. For purposes of this subdivision, the
39 five-day period does not include the date the payment is due. The
40 three-day written notice shall be given to the homeowner in the

manner prescribed by Section 1162 of the Code of Civil Procedure. A copy of this notice shall be sent to the persons or entities specified in subdivision (b) of Section 798.55 within 10 days after notice is delivered to the homeowner. If the homeowner cures the default, the notice need not be sent. The notice may be given at the same time as the 60 days' notice required for termination of the tenancy. A three-day notice given pursuant to this subdivision shall contain the following provisions printed in at least 12-point boldface type at the top of the notice, with the appropriate number written in the blank:

“Warning: This notice is the (insert number) three-day notice for nonpayment of rent, utility charges, or other reasonable incidental services that has been served upon you in the last 12 months. Pursuant to Civil Code Section 798.56 (e) (5), if you have been given a three-day notice to either pay rent, utility charges, or other reasonable incidental services or to vacate your tenancy on three or more occasions within a 12-month period, management is not required to give you a further three-day period to pay rent or vacate the tenancy before your tenancy can be terminated.”

(2) Payment by the homeowner prior to the expiration of the three-day notice period shall cure a default under this subdivision. If the homeowner does not pay prior to the expiration of the three-day notice period, the homeowner shall remain liable for all payments due up until the time the tenancy is vacated.

(3) Payment by the legal owner, as defined in Section 18005.8 of the Health and Safety Code, any junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, or the registered owner, as defined in Section 18009.5 of the Health and Safety Code, if other than the homeowner, on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner, each junior lienholder, and the registered owner provided in subdivision (b) of Section 798.55, shall cure a default under this subdivision with respect to that payment.

(4) Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner, any junior lienholder, or the registered owner, if other than the homeowner,

1 as provided by this subdivision, may not be exercised more than
2 twice during a 12-month period.

3 (5) If a homeowner has been given a three-day notice to pay
4 the amount due or to vacate the tenancy on three or more
5 occasions within the preceding 12-month period and each notice
6 includes the provisions specified in paragraph (1), no written
7 three-day notice shall be required in the case of a subsequent
8 nonpayment of rent, utility charges, or reasonable incidental
9 service charges.

10 In that event, the management shall give written notice to the
11 homeowner in the manner prescribed by Section 1162 of the
12 Code of Civil Procedure to remove the mobilehome from the
13 park within a period of not less than 60 days, which period shall
14 be specified in the notice. A copy of this notice shall be sent to
15 the legal owner, each junior lienholder, and the registered owner
16 of the mobilehome, if other than the homeowner, as specified in
17 paragraph (b) of Section 798.55, by certified or registered mail,
18 return receipt requested, within 10 days after notice is sent to the
19 homeowner.

20 (6) When a copy of the 60 days' notice described in paragraph
21 (5) is sent to the legal owner, each junior lienholder, and the
22 registered owner of the mobilehome, if other than the
23 homeowner, the default may be cured by any of them on behalf
24 of the homeowner prior to the expiration of 30 calendar days
25 following the mailing of the notice, if all of the following
26 conditions exist:

27 (A) A copy of a three-day notice sent pursuant to subdivision
28 (b) of Section 798.55 to a homeowner for the nonpayment of
29 rent, utility charges, or reasonable incidental service charges was
30 not sent to the legal owner, junior lienholder, or registered owner,
31 of the mobilehome, if other than the homeowner, during the
32 preceding 12-month period.

33 (B) The legal owner, junior lienholder, or registered owner of
34 the mobilehome, if other than the homeowner, has not previously
35 cured a default of the homeowner during the preceding 12-month
36 period.

37 (C) The legal owner, junior lienholder or registered owner, if
38 other than the homeowner, is not a financial institution or
39 mobilehome dealer.

1 If the default is cured by the legal owner, junior lienholder, or
2 registered owner within the 30-day period, the notice to remove
3 the mobilehome from the park described in paragraph (5) shall be
4 rescinded.

5 (f) Condemnation of the park.

6 (g) Change of use of the park or any portion thereof, provided:

7 (1) The management gives the homeowners at least 15 days'
8 written notice that the management will be appearing before a
9 local governmental board, commission, or body to request
10 permits for a change of use of the mobilehome park.

11 (2) After all required permits requesting a change of use have
12 been approved by the local governmental board, commission, or
13 body, the management shall give the homeowners six months' or
14 more written notice of termination of tenancy.

15 If the change of use requires no local governmental permits,
16 then notice shall be given 12 months or more prior to the
17 management's determination that a change of use will occur. The
18 management in the notice shall disclose and describe in detail the
19 nature of the change of use.

20 (3) The management gives each proposed homeowner written
21 notice thereof prior to the inception of his or her tenancy that the
22 management is requesting a change of use before local
23 governmental bodies or that a change of use request has been
24 granted.

25 (4) The notice requirements for termination of tenancy set
26 forth in Sections 798.56 and 798.57 shall be followed if the
27 proposed change actually occurs.

28 (5) A notice of a proposed change of use given prior to
29 January 1, 1980, that conforms to the requirements in effect at
30 that time shall be valid. The requirements for a notice of a
31 proposed change of use imposed by this subdivision shall be
32 governed by the law in effect at the time the notice was given.

33 (h) *Use or threatened use of force, willful threats, or menacing*
34 *conduct by the homeowner or resident constituting a course of*
35 *conduct against any person that would create an apprehension of*
36 *harm in a reasonable person.*

37 (i) The report required pursuant to subdivisions (b)~~and~~ , (i),
38 and (j) of Section 65863.7 of the Government Code shall be
39 given to the homeowners or residents at the same time that notice
40 is required pursuant to subdivision (g) of this section.

1 ~~(i)~~—

2 (j) For purposes of this section, “financial institution” means a
3 state or national bank, state or federal savings and loan
4 association or credit union, or similar organization, and
5 mobilehome dealer as defined in Section 18002.6 of the Health
6 and Safety Code or any other organization that, as part of its
7 usual course of business, originates, owns, or provides loan
8 servicing for loans secured by a mobilehome.

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